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SIPDIS

DEPT FOR WHA/CAR, WHA/EPSC, EB/TPP/IPE; USDOC FOR USPTO (BOLAND); DEPT PASS USTR FOR R. VARGO, A MALITO, K HAUDA

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TAGS: [DR](#) [ETRD](#) [KIPR](#) [PGOV](#) [IPR](#)

SUBJECT: DOMINICANS STEP UP ENFORCEMENT OF BROADCAST PIRACY LAWS, SUBMIT 2005 THIRD QUARTER BROADCAST PIRACY REPORT

1. Summary: The Dominican Telecommunications Authority (INDOTEL) submitted to the Embassy on October 5 the third quarterly television broadcast piracy report for 2005. The Dominican government is punctually meeting the reporting deadlines and taking action to address the problem of broadcast piracy, prosecuting at least some of the violators in the courts. End summary.

Background

2. The Dominican government signed a side letter to the CAFTA-DR agreement of August 4, 2004, in which it agreed to submit to U.S. authorities a quarterly report on progress toward enforcing laws on broadcast piracy. This Embassy had to make many calls before it could determine who would take responsibility for providing the report. After a slow start sorting out responsibilities within the new administration, the Ministry of Industry and Commerce finally took responsibility for organizing the various government agencies involved with IPR protection and since January has ensured that the quarterly report is delivered to the United States on time.

Details of Third Quarter Activities

3. Dominican efforts to combat piracy have significantly improved during the year, as the third quarterly report documents. In July, President of the Telecommunications authority (INDOTEL) Jose Vargas President and Copyright Office (ONDA) Director Felix Tereno published in major daily papers a notification to operators of broadcast cable television that those found to be providing transmissions, retransmissions or other signals of copyright-protected material without authorization from the copyright owner would be immediately subject to sanctions. The laws and regulations provide for seizure of equipment, court charges, and the possibility of prison terms of three months to three years and fines between approximately USD 5,000 and USD 100,000, independent of any findings awarded for civil damages.

4. In August and September ONDA issued several resolutions:

Resolution 15) Warning Eltecsa Cable Company against illegal broadcasts. Threatened with closure.

Resolution 17) Suspension of license and closure of Gina Cable Company for not having legal permission to operate. All equipment was seized.

Resolution 19) A (relatively low) fine equivalent to of five monthly minimum wages (about USD 1000) levied against Cable Vision del Caribe for illegal broadcasting.

Resolution 20) A fine of five minimum wages against Telecable Central for illegal broadcast.

Resolution 21* A fine of fifteen minimum wages against Best Hotel Luperon in Puerto Plata for illegal broadcast.

5. On August 12, ONDA signed a formal agreement with the Association of Cable Operators whereby broadcasters undertook to respect copyrights and international agreements so "the retransmission of signals by cable television firms complies with the appropriate authorizations from authors or rights holders." ONDA advised broadcasters that they had 45 calendar days to make changes in equipment, contractual arrangements and installations and to advise subscribers and publicize program changes in compliance with intellectual property law (law 65-00). After the period indicated, the Copyright Office would carry out inspections across the country and initiate vigorous enforcement actions.

6. The 45-day window closed on September 26. ONDA immediately carried out a number of well publicized raids. The authorities organized press events to display seized material. National newspaper HOY published a full page interview ONDA Director Felix. Embassy economic officer visited ONDA on October 6 and was shown a large quantity of confiscated equipment and media that had been collected the

same week. ONDA Director Feliz said that six cable operators had been raided and numerous copy facilities shut down. While ONDA has not received additional staffing or funding from the government, Feliz said, ONDA was receiving excellent cooperation from the National Police in the conduct of raids. He showed off two large rooms filled floor to ceiling with media replicating and transmission equipment along with thousands of pirated compact disks and DVDs. Some of the broadcasting equipment had channel switches labeled with familiar names like Disney and Cartoon Network

17. Embassy will fax a copy of the October to USTR under cover of a copy of this cable.

Comment

18. Dominican efforts to enforce IP law have consistently improved throughout the year. As the Dominican Republic prepares to implement CAFTA in the coming months, it appears the added focus brought to the issue of television broadcast piracy is an early benefit of the FTA.
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